

REMARKS

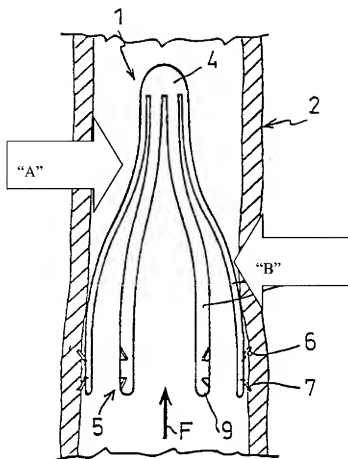
Applicant has carefully reviewed the Office Action of October 17, 2007, in which claims 13-24 and 31-33 are pending and have been rejected. Favorable consideration of the following remarks is respectfully requested.

Claim Rejections

Claims 13-15, 23-24 and 31-33 have been rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Lefebvre, U.S. Patent No. 5,108,418. Applicants respectfully traverse the rejection.

Lefebvre fails to disclose or suggest each and every element of the claimed invention. For example, claim 13 recites “a blood clot filter, comprising a plurality of filter legs...actuatable between a centering configuration and a filtering configuration.” Lefebvre fails to disclose such a filter.

The Examiner suggests that the bend regions of legs 2 are longitudinally apart from the attachment regions, but apparently fails to consider whether such bend regions exist in a separate centering configuration. Figure 1 of Lefebvre is reproduced below:



There are two bending regions in Lefebvre. As region "A" appears to never touch the wall of a vessel, applicants assume that the Examiner refers to region "B". This bending region does appear to touch the filter wall. The questions seems to be whether it does so during a centering configuration that is different from the filtering configuration. If the filter is ejected from the delivery sheath with the ogival head 4 out first, it is hard to imagine that the bending region touches the filter wall before the filter is in its final configuration, which is its filtering configuration. One can imagine that if the free end of the filter were retained in the delivery sheath, the bending region might bow out somewhat but would be far away from touching the wall. Since the free ends extend out from the bending region parallel to the longitudinal axis of the filter, when the free ends are released from the filter sheath, they will contact the filter wall at the same time as the bending region. At this point, however, the filter is in the filtering configuration. If the filter were ejected from the delivery sheath free ends 9 first, the filter

geometry suggests the same thing will happen. There is thus no centering configuration apart from the filtering configuration.

Because there is no separate centering configuration, it cannot be said that Lefebvre discloses “a plurality of filter legs each having a proximal section and a distal section, each of said plurality of elongated filter legs formed at least in part of a shape-memory material actuatable between a centering configuration and a filtering configuration” as claimed in claim 13. That the centering configuration is separate from the filtering configuration follows from the language “*actuatable* between a centering configuration and a filtering configuration.” One cannot actuate or move something between two configurations if they are the same configuration.

Therefore, for at least the reason that Lefebvre does not teach or suggest this element of the claimed invention, applicants submit that claim 13 is both novel and non-obvious over Lefebvre. The other independent claims, claims 23 and 25, contain similar language and thus are in condition for allowance for like reasons. Applicants also submit that claims 14-15 and 31-33 are in condition for allowance because each depends from one of claims 13, 24 or 25, which applicants submit are allowable, and contains additional elements.

Claims 16-17 and 19-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lefebvre in view of Simon, U.S. Patent No. 4,425,908; claim 18 was rejected under 35 U.S.C. § 103(a) in view of Lefebvre in view of Simon and further in view of Boylan et al., U.S. Patent No. 6,602,272; and claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lefebvre as applied to claim 13 above in view of Mazzocchi et al., U.S. Patent No. 6,949,103. Applicants respectfully traverse the rejections.

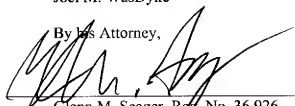
For at least the reason that all these claims depend either directly or indirectly from claim 13, which applicants submit is allowable, and contain additional elements, applicants submit that these claims are in condition for allowance as well.

Reexamination and reconsideration are respectfully requested. It is submitted that all pending claims are currently in condition for allowance. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at 612.677.9050.

Respectfully submitted,

Joel M. WasDyke

By his Attorney,

A handwritten signature in black ink, appearing to read "Glenn M. Seager", is written over a horizontal line.

Glenn M. Seager, Reg. No. 36,926
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Tel: (612) 677-9050

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